

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

<b>RAMIRO ZAMARRIPA ROSALES,</b>	§	
<b>Petitioner,</b>	§	
	§	
<b>VS.</b>	§	<b>C.A. NO. C-07-243</b>
	§	
<b>IMMIGRATION AND NATURALI-</b>	§	
<b>ZATION SERVICE, ET AL.,</b>	§	
<b>Respondent.</b>	§	

**MEMORANDUM OPINION AND ORDER DENYING WITHOUT PREJUDICE  
MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner is a state prisoner housed at the McConnell Unit in Beeville, Texas. Proceeding *pro se*, petitioner filed a petition pursuant to 28 U.S.C. § 2241, complaining of the failure of the immigration authorities to deport him (D.E. 1). Pending is petitioner's request for appointment of counsel (D.E. 3).

There is no constitutional right to counsel in federal habeas proceedings. *Johnson v. Hargett*, 978 F.2d 855 (5th Cir. 1992). *See also United States v. Riggs*, 314 F.3d 796, 799 (5<sup>th</sup> Cir. 2002) (right to appointed counsel does not extend to post-conviction proceedings). Counsel may be appointed in habeas cases when required in the interests of justice. 18 U.S.C. § 3006A(a)(2); *Santana v. Chandler*, 961 F.2d 514, 516 (5<sup>th</sup> Cir. 1992). Petitioner states that he does not speak or understand the English language and he is functionally illiterate. A hearing was held by telephone conference call on Monday, June 11, 2007. At that hearing petitioner spoke and communicated well in English, and he admitted that there were inmates who could help him prepare his pleadings and perform

research in the law library. The issue in this case is not complex. The interests of justice do not require appointment of counsel at this time.

If petitioner's case is scheduled for an evidentiary hearing, counsel will be appointed to represent him. If the interests of justice so require at any point in this litigation, counsel will be *sua sponte* assigned.

Accordingly, petitioner's motion for appointment of counsel (D.E. 3) is denied without prejudice.

ORDERED this 12<sup>th</sup> day of June, 2007.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE